

REMARKS

Favorable reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

Claim 1-6 and 9-15 are pending in this application. Support for the amendments to Claim 1 can be found, for example, in Fig. 4 and on page 30, line 24 to page 31, line 4 of the as-filed specification. No new matter is added.

The Examiner is requested to consider the information included in the Information Disclosure Statements filed on February 28, 2008 and April 22, 2008, and return to the undersigned fully-initialed copies of Forms PTO-1449 submitted with those Information Disclosure Statements.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Mancho at the October 28, 2008 personal interview. The substance of the issues discussed during the interview are incorporated in the following remarks, and constitute Applicants' separate record of the interview.

As discussed during the interview, the Claim 1 rejections under 35 U.S.C. §112, first and second paragraphs are obviated by the above amendments. For example, the word "only" is deleted from the claim. Further, the means clauses in Claims 1-6, 9, 10 and 12-15 are amended as suggested by the Examiner.

The Claim 12 rejections under 35 U.S.C. §112, first and second paragraphs are respectfully traversed. Claim 12 is amended to clarify the recited features based on the suggestions made by the Examiner during the interview. Claim 12 recites that one of the process for producing an alarm and the process for decelerating the vehicle as the specific process is executed depending upon an amount of time during which the obtained road bank angle continues to be greater than the

predetermined value, and the specific process is changed to the other of the process for producing an alarm and the process for decelerating the vehicle in sequence as the amount of time, during which the obtained road bank angle continues to be greater than the predetermined value, increases.

As discussed during the interview, these features are discussed in the specification, for example, from page 29, line 21 to page 30, line 24 with respect to Fig. 4. For instance, it is disclosed that, as a specific process for preventing the roll-over, the device executes only the alarm process during the period from time t3 to time t4. During the period from time t4 to time t5, the device executes the process for decreasing the power from the engine in addition to the alarm process. After time t5, the device executes the process for forcibly generating the braking force in addition to the alarm process and the process for decreasing the power from the engine (see page 30, lines 17-24 of the specification). Thus, the features of Claim 12 are supported by the original disclosure. In addition, the Claim 12 phrase "becomes long" is changed to "increases", based on the graph illustrated in Fig. 4. Thus, Claim 12 is not indefinite.

Therefore, withdrawal of the rejections under 35 U.S.C. §112 is respectfully requested.

Independent Claim 1 is the only independent Claim under consideration. The Official Action rejects claims 1-6 and 9-15 under 35 U.S.C. §102(e) over U.S. Patent No. 7,003,389 to Lu et al. ("Lu").

Claim 1 is directed to a control device for a vehicle. The device comprises means for obtaining a road bank angle of a road surface, on which a vehicle runs, in the vehicle body roll direction, and means for determining whether or not the

obtained road bank angle is greater than a predetermined value which is greater than zero. The device also includes means for starting a specific process for restraining a roll angle of the vehicle from increasing based on a determination that the obtained road bank angle is greater than the predetermined value, and means for stopping the specific process based on a determination that the obtained road bank angle is smaller than or equal to the predetermined value.

The Official Action takes the position that Lu's road bank angle θ_{bank} corresponds to the claimed road bank angle of a road surface. None of the other angles disclosed by Lu correspond to an angle of the road surface (see Figs. 2-3D). As discussed during the interview, Lu discloses that the road bank angle θ_{bank} is compared to an angle of zero to determine if the vehicle is in an off-camber divergent state (see Fig. 3B and col. 5, lines 46-51). Thus, as acknowledged by the Official Action on page 6, the "threshold value" disclosed by Lu is an angle of zero. That is, the "threshold value" disclosed by Lu is not a value that is greater than zero, as recited in independent Claim 1. Accordingly, the device in Lu does not execute a process for restraining a roll angle of the vehicle from increasing after it judges that the vehicle is in a state where there is a high possibility of roll-over (see page 27, lines 16 and 17 and page 29, lines 14-20 of the specification).

As also discussed during the interview, Lu does not disclose that its device stops a specific process for preventing a roll angle from increasing based on a determination that the road bank angle θ_{bank} is smaller than or equal to a predetermined value greater than zero. Thus, Lu fails to disclose, in combination with the other claimed features, means for stopping the specific process based on a determination that the obtained road bank angle is smaller than or equal to the

predetermined value (the predetermined value being greater than zero), as recited in independent Claim 1. Therefore, independent Claim 1 is patentable over Lu.

Dependent Claims 2-6 and 9-15 are patentable at least by virtue of their dependence from patentable independent Claim 1. For example, as discussed during the interview, Lu fails to disclose that one of the process for producing an alarm and the process for decelerating the vehicle as the specific process is executed depending upon the amount of time during which the obtained road bank angle continues to be greater than the predetermined value, and the specific process is changed to the other of the process for producing an alarm and the process for decelerating the vehicle in sequence as the amount of time, during which the obtained road bank angle continues to be greater than the predetermined value, increases, as recited in Claim 12 and similarly recited in Claim 14.

Further, it is not clear where in the numerous passages of Lu cited in the Official Action, the features of Claim 15 are disclosed. In the event the Examiner maintains the rejection of Claim 15, the Examiner is kindly asked to more specifically identify the column and line(s) where these features are disclosed.

Early and favorable action with respect to this application is respectfully requested.

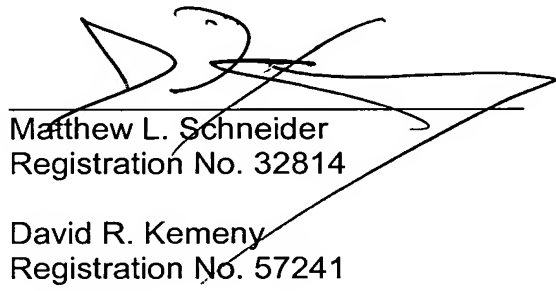
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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